

grants made under section 752(a) of the Act and this part.

(d) Any funds made available to a State for any fiscal year pursuant to this section are regarded as an increase in the allotment of the State under §367.31 for that fiscal year only.

(Approved by the Office of Management and Budget under control number 1820-0018)

(Authority: 29 U.S.C. 796k(j)(4))

### **Subpart E—What Conditions Must Be Met After an Award?**

#### **§367.40 What matching requirements apply?**

(a) Non-Federal contributions required by §367.11(b) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) For purposes of non-Federal contributions required by §367.11(b), amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of non-Federal contributions.

(Authority: 29 U.S.C. 796k(f))

#### **§367.41 When may a DSA award grants or contracts?**

(a) A DSA may operate or administer the program or projects under this part to carry out the purposes specified in §367.1, either directly or through—

(1) Grants to public or private nonprofit agencies or organizations; or

(2) Contracts with individuals, entities, or organizations that are not public or private nonprofit agencies or organizations.

(b) Notwithstanding paragraph (a) of this section, a DSA may enter into assistance contracts, but not procurement contracts, with public or private nonprofit agencies or organizations in a manner consistent with 34 CFR 366.32(e).

(Authority: 29 U.S.C. 796k(g) and (i)(2)(A))

#### **§367.42 When does the Secretary award noncompetitive continuation grants?**

(a) In the case of a fiscal year for which the amount appropriated under section 753 of the Act is less than

\$13,000,000, the Secretary awards non-competitive continuation grants for a multi-year project to pay for the costs of activities for which a grant was awarded—

(1) Under chapter 2 of title VII of the Act; or

(2) Under part C of title VII of the Act, as in effect on October 28, 1992.

(b) To be eligible to receive a non-competitive continuation grant under this part, a grantee must satisfy the applicable requirements in this part and in 34 CFR 75.253.

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(Authority: 29 U.S.C. 796k(b)(2))

## **PART 369—VOCATIONAL REHABILITATION SERVICE PROJECTS**

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